

BYLAWS

BEDFORD COUNTY PLANNING COMMISSION

ARTICLE 1 CREATION

- 1-1. This Commission, established in conformance with the resolution adopted by the Board of Supervisors of Bedford County on January 23, 1961, and as amended January 8, 1968 and August 12, 1980, has adopted the following Bylaws in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2, (§15.2-2210 et seq.) of the Code of Virginia, (1950), as amended. This statute provided for the creation of local planning commissions in Virginia.
- 1-2. The official title of this Commission shall be the “Bedford County Planning Commission,” hereafter referred to as the “Commission”.

ARTICLE 2-DUTIES OF COMMISSION

- 2-1. Exercise general supervision of, and make regulations for, the administration of its affairs.
- 2-2. Prescribe rules pertaining to its investigations and hearings.
- 2-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board of Supervisors.
- 2-4. Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents.
- 2-5. Make recommendations and prepare an annual report to the Board of Supervisors concerning the operation of the Commission and the status of planning. The annual report shall be approved by the Commission each February and forwarded

to the Board of Supervisors. The report shall identify the number of zoning permits, Special Use Permits, Rezoning, and a summation of major projects underway within the County. The report shall identify any changes in state or local laws affecting local planning. The reports shall include a summary of actions of the Planning Commission and Board of Supervisors on Special Use Permits and Rezoning Permits for the report period.

- 2-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities.
- 2-7. Prepare and submit an annual budget in the manner prescribed by the Board of Supervisors.
- 2-8. Establish an advisory committee or committees.

(State law reference: Section 15.2-2221)

ARTICLE 3 MEETINGS

- 3-1. All regular meetings of the Commission shall be open to the public, except certain specific exempt topics identified in Section 2.2-3711 of the Virginia Code.
- 3-2. The Commission shall hold regular meetings on such days as may be prescribed by resolution at the annual organizational meeting in February of each year, but which shall not be less frequent than once a month. The Commission, by resolution adopted at its organizational meeting, may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings

and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

The Commission shall give notice of the date, time, and location of its meetings by placing a notice in a public location at which notices are regularly posted. The notice shall be posted at least three working days prior to the meeting. Special meetings may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall immediately communicate such notice to all members. A notice fixing the time and place of the meeting and the purpose thereof shall be posted and/or advertised as required by state law. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members are present at a special meeting or file a written waiver of notice. Efforts shall be made to coordinate meeting dates with the Board of Supervisors and other public bodies for the purpose of conducting joint public hearings.

- 3-3. A majority of the membership of the Commission shall constitute a quorum. A quorum is necessary to conduct business and a majority of the quorum is necessary to take action.
- 3-4. Voting shall be by roll call vote. A record shall be kept as a part of the minutes indicating the votes of the Commission members.

3-5. Remote Participation--Members may attend and participate in meetings from a remote location by telephone or other audio or video means, provided such attendance complies with the provisions of the Virginia Freedom of Information Act section 2.2-3708.1, as amended from time to time, and subject to the following requirements:

(i) On or before the day of a meeting, (A) the requesting member shall notify the Chairman that the member is unable to attend the meeting due to an emergency or a personal matter and the member identifies with specificity the nature of the emergency or personal matter, or (B) the member shall notify the Chairman that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The Chairman shall approve or disapprove the requesting member's request to participate from a remote location.

(ii) The Commission shall record in its minutes (A) the disability or other medical condition, or the specific nature of the emergency personal matter that prevents the member's attendance; and (B) the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Commission's minutes.

(iii) Such participation by the absent member shall be limited in each calendar year to two meetings or 25 percent of the meetings of the Commission, whichever is fewer.

(iv) A quorum of the Commission must be physically assembled at the primary or central meeting location.

(v) The Commission shall make arrangements for the voice of the absent member to be heard by all persons in attendance at the primary or central meeting location.

3-6 Minutes shall be taken which shall include, but are not limited to, (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.

(State Law Reference: Section 2.2-3707)

ARTICLE 4-MEMBERS

4-1. The Commission shall consist of one member appointed from each county election district by the Board of Supervisors.

4-2. Members of the Commission shall be appointed for terms of four years. The terms of the members shall be concurrent with those of the Board of Supervisors from the respective election district. Terms shall commence on the first day of February and end on the last day of January.

Members shall continue to serve until his/her successor has been appointed and has assumed the position as Commission Member.

4-3. Any vacancy in membership shall be filled by appointment by the Board of Supervisors for an unexpired term only. Any appointed member may be removed by the Board of Supervisors for malfeasance in office. Notwithstanding the foregoing provision, a member of a local planning commission may be removed from office by the local governing body without limitation in the event that the

commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the Commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

- 4-4. The Board may provide for the payment of expenses incurred by Commission members in the performance of their official duties.
- 4-5. Commission members are strongly encouraged to complete the Virginia Certified Planning Commissioners' Program.

ARTICLE 5-OFFICERS AND THEIR SELECTION

- 5-1. Officers of the Commission shall consist of a Chair, Vice-Chair and Secretary. The Chair and Vice-Chair shall be elected from the membership. The Secretary shall be elected and may be a member of the Commission or an employee of the county government. The County Attorney shall act as parliamentarian. In the County Attorney's absence, the Chair shall serve as parliamentarian with the assistance of the Secretary of the Commission.
- 5-2. At the annual organization meeting of the Planning Commission, held in February, the Planning Commission shall elect from its membership a Chair and Vice-Chair, each of whom shall serve a term of one year, expiring immediately prior to the opening of the annual organizational meeting, or until their respective successors shall be elected. It is the policy of the Commission that the Chairman and Vice-Chairman should serve a one-year term. Should members of the Planning Commission declare at the organizational meeting, with unanimous

vote, that due to ongoing business that would be adversely disrupted by a change in officers, or similar unusual and rare circumstances, the Commission may, retain its current officers for a second term.

5-3. Should the Chairman die or resign, the Vice-Chairman shall become Chairman upon the happening of the event. Other vacancies in office shall be filled immediately by regular election procedures.

5-4. In the absence of the Chair, the Vice-Chair shall preside at meetings of the Planning Commission. In the absence of both the Chair and the Vice-Chair, the Commissioner present with the longest tenure shall preside and shall have the power to function in the same capacity as the Chairman, pro tem.

(State Law Reference: Section 15.2-2217)

ARTICLE 6-DUTIES OF OFFICERS

6.1 The Chair shall:

6-1-1. Preside at all meetings.

6-1-2. Appoint committees, special and/or standing.

6-1-3. Prepare and present the annual reports in conjunction with the Secretary as required by Section 2-5.

6-1-4. Carry out other duties as assigned by the Commission.

6-2. The Vice-Chair shall:

6-2-1. Act in the absence or inability of the Chair to act.

6-2-2. Have the power to function in the same capacity as the Chair in cases of the Chair's inability to act.

6-3. The Secretary shall:

- 6-3-1. Keep a written record of all business transacted by the Commission.
- 6-3-2. Notify all members of all meetings.
- 6-3-3. Keep a file of all official records and reports of the Commission.
- 6-3-4. Certify all maps, records, and reports of the Commission.
- 6-3-5. Give notice of all hearings and public meetings.
- 6-3-6. Attend to the correspondence of the Commission.
- 6-3-7. Keep a set of minutes.
- 6-3-8. Prepare and be responsible for the publishing of advertisements relating to public hearings.
- 6-4. The parliamentarian shall be the County Attorney. The parliamentarian shall advise on all questions relating to rules and parliamentary procedure. In the absence of such a representative, the chair shall rule on all procedural questions, subject to a reversal by a two-thirds vote of the members present.

ARTICLE 7-STANDING AND SPECIAL COMMITTEES

- 7-1. The Chair shall appoint committees as he/she deems necessary.

ARTICLE 8-ORDER OF BUSINESS

- 8-1 The order of business for a regular meeting shall be:
 - 8-1-1. Call to order by Chair
 - 8-1-2. Determination of a quorum
 - 8-1-3. Approval of the Agenda
 - 8-1-4. Approval of minutes
 - 8-1-5. Citizen's Comment Period
 - 8-1-6. Public Hearing(s)

8-1-7. Unfinished business

8-1-8. New business

8-1-9. Adjournment

8-2. Motions shall be restated by the Chair before a vote is taken. The names of persons making and seconding motions shall be recorded.

8-3. Parliamentary procedure in Commission meetings shall be governed by Roberts Rules of Order, more specifically, the provisions which pertain to conducting informal meetings for small boards, unless they are inconsistent with the bylaws or special rules of order of the Commission.

8-4. The Planning Commission shall keep a set of minutes of all meetings, and these minutes shall become a public record.

8-4-1. The Secretary and Chair shall sign all minutes, and at the end of the year shall certify that the minutes of the preceding year are a true and correct copy.

8-5. Citizen Comment Period

During the citizens' comment period, speakers wishing to address the Commission shall clearly state their name and address and shall be subject to such time limitations as the Chair in his/her discretion may impose. Speakers who wish to address matters, which have previously been addressed at a public hearing, shall not be allowed to readdress the Board during the citizens comment period. Questions shall be directed to the Chair, who will, at his/her discretion, solicit the response from the appropriate person. Speakers shall maintain decorum when addressing the public and Commissioners.

8-6. Public Hearing(s)

It is the purpose and objective of the Planning Commission to give each citizen an opportunity to express his/hers views during public hearings and to give all speakers equal treatment and courtesy. In order to accomplish this objective, it is necessary that certain rules of order prevail at all hearings of the Commission.

The order of business for consideration of a matter on the Commission's public hearing agenda shall be as follows:

- a. Staff presentation;
- b. Applicant's presentation;
- c. Questions from Planning Commissioners;
- d. Comments, statements or presentations from members of the public;
- e. Applicants rebuttal; and
- f. Commission discussion, at which time the Chair may entertain a motion to bring the matter to a vote or to place the matter on future agenda for action.

The applicant and/or his agent(s) shall be afforded a maximum time of twenty minutes to present his request to the Commission. If the applicant believes additional time is necessary, the applicant is to contact the Director of Community Development prior to the public hearing to request additional time, specifying the length of additional time being requested and reason why. Requests for additional time will be forwarded to and decided by the Commission prior to the start of public hearing. The applicant or his agent shall also be afforded a five minute rebuttal period at the end of the public hearing to address any opposition that may be presented regarding the application request. Any Member of the Commission may ask the applicant to respond to specific questions.

During the public hearing, each speaker wanting to comment on the application request will have up to five minutes available whether speaking as an individual or a representative of any group or organization. However, should the number of speakers registered to speak on any item exceed ten, the time will be adjusted to three minutes for each speaker. Unless instructed by a majority of the Commission present and voting to do otherwise, the Chair shall enforce the time limits, as appropriate.

Order of speakers will be determined on first to register, first to speak basis. Registration will be taken by County staff and will be submitted on the registration form provided, which will include the name, address and election district of the speaker. Speakers will be limited to a presentation of their points of view except that the Chair may entertain questions of clarification.

Debate is prohibited. All comments will be directed to the Planning Commission as a body.

Decorum will be maintained. This includes a common courtesy from the audience, the staff and Commission to the speaker and from the speaker to the audience, the Commission and the staff. Statements, which are demeaning or inappropriate, shall be ruled out of order.

ARTICLE 9-CORRESPONDENCE

- 9-1. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Planning Commission.

9-2. It shall be the duty of the Secretary to communicate by telephone or any other appropriate measures when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

9-3. All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair together with the certification signed by the Secretary and Chair.

ARTICLE 10-CONFLICT OF INTEREST

10-1. The Commission shall comply with the state and local government Conflict of Interest Act.

(Section 2.2-3100, et seq. of the Code of Virginia, of 1950 as amended.)

ARTICLE 11-AMENDMENTS

11-1. These bylaws may be changed by a recorded super majority vote of five (5) members of the Commission.

Adopted December 5, 1989
Amended February 19, 1991
Amended October 6, 1992
Amended November 4, 1992
Amended June 20, 1995
Amended September 25, 1995
Amended January 16, 1996
Amended September 3, 2002
Amended January 28, 2008
Amended February 19, 2008
Amended March 5, 2012
Amended May 21, 2012
Amended May 7, 2015